

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2226.05
COMPLAINT INVESTIGATOR:	Paul Ash
DATE OF COMPLAINT:	February 24, 2005
DATE OF REPORT:	April 6, 2005
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	June 10, 2005

COMPLAINT ISSUES:

Whether the Southeastern School Corporation (Cass County) and the Logansport Area Joint Special Services (LAJSS) violated:

511 IAC 7-25-2(b) with regard to child identification procedures

511 IAC 7-25-3(b) with regard to general education intervention procedures

511 IAC 7-25-4 with regard to conducting an initial educational evaluation upon parent request

On March 15, 2005, the Complainant submitted an additional issue that has been included as:

511 IAC 7-25-4(k) with regard to ensuring that a copy of the evaluation report is available at the school the child attends no less than five (5) instructional days prior to the case conference committee meeting.

During the course of the investigation another issue arose that has been included as:

511 IAC 7-23-3(d) with regard to maintaining a student's educational record until 3 years after a student exits the program.

FINDINGS OF FACT:

1. The student is 8 years and 8 months old. At the time the complaint was filed, the student had not yet been determined eligible for special education.
2. The School Handbook contains the General Education Intervention (GEI) procedures for the school. The principal serves as the GEI Team chair and is the GEI contact person. Other core GEI team members are the classroom teacher, Title I teacher, Speech and Hearing Clinician, Multi-categorical teacher and Social Worker. Other staff members are added to the GEI team on a case-by-case basis.
3. The School Handbook, page 16, also states, "The GEI team will meet on Wednesdays at 2:15." These weekly GEI team meeting were also confirmed by the principal.
4. The principal is unaware of other child identification procedures in place for LAJSS except for the GEI procedures on page 16 of the School Handbook and the five (5) page Request for General Education Intervention. Both of these documents conclude at the GEI level and do not provide additional referral for educational evaluation information.

5. The Standards and Procedures of the Logansport Area Joint Special Services, VIII , C, 5 (a), Educational Evaluations, states:

[LAJSS] has established, maintains, and implements procedures regarding initial evaluations, additional evaluations, and reevaluations, that include:

a description of the way in which parents, teachers, school administrators, specialists, or the student may pursue or initiate an initial evaluation.

6. The principal reports that at least one GEI team meeting was held in the spring of 2004 on behalf of the student. There is no written documentation of this meeting. The principal reports that GEI forms and notes are "pitched at the end of the school year" unless the student is referred to LAJSS for evaluation.
7. Although the principal and the student's first grade teacher report that general education interventions were implemented for the student during the 2003-04 school year, there is no documentation of such. There is no written documentation of the GEI team's monitoring of the student's progress during the end of the 2003-04 school year, nor during the beginning of the 2004-05 school year. No documentation was provided as to the GEI team's determination as to whether a referral for evaluation was necessary.
8. The principal and the parent both report there was a meeting and discussion, in April 2004, regarding the student's academic progress and testing. The principal recalls discussing the special education referral for evaluation timelines. It was discussed that it was unlikely an evaluation would be completed before the end of the 2003-04 school year because the 60 instructional day timeline would not conclude until sometime in the first semester of the 2004-05 school year. It was agreed the General Education Intervention would continue to monitor the student's progress and initiate a referral if it felt it was necessary. Though it is undisputed the principal and parent met in April 2004, there is no documentation or notes to document what was discussed. However, no referral was initiated at this time.
9. Near the end of the 2003-04 School Year, but prior to April 27, 2004, the parent, classroom teacher and reading specialist agreed the student should be retained in the first grade. The principal agreed the student would be retained.
10. On November 3, 2004, the principal received a written, signed, and dated request for an educational evaluation from the parent.
11. The building principal sent the request for an educational evaluation to the LAJSS office which received the parent's written request on November 5, 2004.
12. The school acknowledges there was a breakdown in implementing the evaluation and case conferencing timelines with regard to the referral for evaluation for the student.
13. Sixty (60) instructional days from the date the signed and dated referral for evaluation was received by the school was February 9, 2005. That is, the case conference committee should have been conducted no later than February 9, 2005.
14. On March 1, 2005, the principal of the school called the parent and told her the educational evaluation was completed and available to her at the school. At this time the principal and the parent also discussed a mutually convenient time, date, and location for the case conference committee meeting. A

date of March 8, 2005 was agreed upon for the case conference committee meeting and the case conference committee met on March 8, 2005.

15. The speech/language evaluation was not available until the case conference committee meeting on March 8, 2005.
16. The student was determined eligible for special education and related services as a student with a learning disability and a communication disorder at the case conference of March 8, 2005.

CONCLUSIONS:

1. Finding of Fact #8 indicates the principal and the parent discussed the student at some time in April, 2004. Finding of Fact #5 indicates LAJSS has established, maintains, and implements procedures regarding initial evaluations. Finding of Fact #4 indicates the principal is unaware of written child identification procedures as required by 7-25-2(b). Therefore, a violation is found.
2. Finding of Fact #2 indicates that the school has General Education Intervention procedures and these procedures are publicized through the School Handbook. Finding of Fact #3 and 4 indicates that there are standard procedures within the school to implement GEI. Finding of Fact #6 indicates the principal recalls at least one GEI meeting regarding the student in the spring of 2004, but no documentation was maintained. Findings of Fact #7 and #8 GEI was to be implemented and monitored, but there is no documentation to support this was done. A violation is found with regard to 511 IAC 7-25-3(b) and documenting general education interventions.
3. Finding of Fact #10 indicates the parent did submit a signed and dated referral for evaluation on November 3, 2004. Finding of Fact #13 indicates the 60 instructional day timeline for conducting the case conference committee meeting was February 9, 2005. Finding of Fact #14 indicates that the case conference committee was conducted on March 8, 2005. Thus, a violation of 511 IAC 7-25-4 is found with regard to conducting an educational evaluation conducting the case conference within 60 instructional days of the referral.
4. Finding of Fact #14 indicates that the educational evaluation was available to the parent five (5) instructional days before the case conference was conducted. Thus, a violation is not found. However, Finding of Fact #15 indicates the speech/language evaluation report was not available to the parent until the case conference committee meeting. Thus, a violation of 511 IAC 7-25-4(k) is found.
5. Finding of Fact #6 indicates that GEI forms and notes are not maintained at least three (3) years after the student exits the program. Thus, a violation of 7-23-3(d) is found.

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTIONS:

1 and 2. LAJSS is to provide training to all certified staff of Southeastern School Corporation regarding identification and evaluation requirements, including child identification and general education intervention procedures, of 511 IAC 7-25-1 through 7-25-4, to be sure child identification procedures are implemented. This training may be in the form of inservice training or by memorandum. A copy of the material covered and a listing of personnel trained is to be submitted to the Division by May 15, 2005.

3. The school is to reconvene the case conference committee to determine how much, if any, compensatory services are to be provided to the student for the services missed between February 9, 2005 (the latest date on which the case conference was to be held pursuant to Article 7), and March 8, 2005, the date of the case conference committee meeting that found the student eligible. Compensatory services may be provided through the remainder of the school year, during the summer of 2005, or through October of the 2005-06 school year in the event the student is out-of-state in the summer. Documentation of compliance with this corrective action is to be a case conference committee report submitted to the Division by May 15, 2005.

4. LAJSS is to issue a memorandum to all administrators, staff responsible for conducting evaluations, and to case conference coordinators in LAJSS reminding of the requirements of Article 7 at 511 IAC 7-25-4(k), ensuring a copy of evaluation reports are available at the school the student attends no less than five (5) instructional days prior to the scheduled case conference committee meeting. Documentation of compliance with this corrective action is to be submitted to the Division by May 15, 2005.

5. LAJSS is to issue a memorandum to all administrators and to all special education instructional staff and providers reminding of the requirements of 511 IAC 7-23-3(d) that requires the maintaining of student educational records. Further, the school shall provide an assurance statement that GEI records will be maintained as part of the student's educational record for each student for whom GEI is implemented, and that such records will be maintained pursuant to 511 IAC 7-23-3. A copy of the memorandum to all administrators in LAJSS and the assurance from the school shall be submitted to the Division by May 15, 2005.